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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

JAN 31 2002

DOCKETED BY

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WILLIAM A. MUNDELL
ChairmanJIM IRVIN
CommissionerMARC SPITZER
Commissioner

IN THE MATTER OF THE VERIFIED)
 APPLICATION OF XO COMMUNICATIONS,)
 INC., FOR A GENERAL WAIVER OF THE)
 RULES GOVERNING PUBLIC UTILITY)
 HOLDING COMPANIES AND AFFILIATED)
 INTERESTS RULES)

DOCKET NO. T-03601A-01-0965

DECISION NO. 64399ORDER

Open Meeting
 January 29 and 30, 2002
 Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On December 11, 2001, XO Communications, Inc. ("XO") applied, pursuant to A.A.C. R14-2-806, for a permanent general waiver of the Affiliated Interests Rules (A.A.C. R14-2-801 to R14-2-806 ("the Rules")).

2. Staff has not had sufficient time to review XO's proposal and, therefore, recommends that the filing be suspended for a period of one hundred twenty (120) days.

CONCLUSIONS OF LAW

1. The Company is an Arizona public service corporation within the meaning of Article XV, Section 2 of the Arizona Constitution.

2. The Commission has jurisdiction over the Company and over the subject matter of the application.

3. The Commission having reviewed the application and Staff's Memorandum dated January 10, 2002, concludes that it is in the public interest to suspend the filing for a period of one hundred twenty (120) days.

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ORDER

IT IS THEREFORE ORDERED that the filing be and hereby is suspended for a period of one hundred twenty (120) days.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.


BY ORDER OF THE ARIZONA CORPORATION COMMISSION .


CHAIRMAN


COMMISSIONER


COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this 31ST day of JANUARY, 2002.


BRIAN C. McNEIL
Executive Secretary

DISSENT: _____

EGJ:REL:jbc/JFW

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